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MEMORANDUM FOR: Chief, Regulations Control Staff

SUBJECT : Comments on Draft of Regulation No. [REDACTED]

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1. The Staff of the Deputy Director (Administration) has reviewed the subject Regulation and makes the following suggestions and comments:

a. It is our opinion that paragraph 1. is a confusing and inadequate explanation of the purpose and significance of this Regulation. We believe it would be better briefly to explain the meaning and application of the Federal Employees' Compensation Act and separately to present the meaning and significance of the medical authorities granted CIA under the CIA Agency Act of 1949. The present paragraph 1.a. cites these authorities but does not explain the principal differences between the two authorities. Specifically, these differences appear to involve the geographic location of the individual, the status of the individual in his relationships to CIA, and, in addition, there are, of course, differences in the actual benefits themselves. As presently drafted, these differences are vaguely indicated but in such a way as to confuse rather than clarify the points involved. To illustrate, in one instance applicability is stated to cover all the "Federal Government employees", in the next instance applicability is limited to "full-time Agency employees", and in the third instance applicability is limited to "all staff employees and staff agents" and possibly to "other types of personnel."

b. In paragraph 2.d., second sentence, it is suggested that the last three words "in a hospital" be replaced with the following: "at a recognized medical facility."

c. Paragraph 3.a.(1) says that Agency "personnel" are entitled to compensation benefits under the Federal Employees' Compensation Act. Here, again, loose terminology has been used, in that we have previously stated that only Federal employees are entitled to these benefits. For reasons of consistency we believe the word "personnel" should be changed to "employees." Paragraph 3.a.(2) states that "Agency personnel who are neither citizens nor residents of the United States . . . will be compensated" The use of the word "will" indicates command,

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whereas we believe this is not the intent. Possibly the word "will" should be changed to "may" or should be qualified to read "will normally." Secondly, we believe the qualifying phrase "upon determination of eligibility" should be added to the end of the sentence.

d. Paragraph 5.b. refers repeatedly to the word "compensation" and uses this word in conjunction with time lost and salary payments. Inasmuch as compensation is often used interchangeably with the concept of salary or wages, it is suggested that the meaning would be more clear if the words "disability compensation" were used in each case. This would clearly indicate that we are referring to compensation payments from the Bureau of Employees' Compensation, received in lieu of time lost from duty, or salary payments.

e. Paragraph 5c.(6)(b)(1) deals with the engagement of a nonprofessional attendant to accompany a seriously ailing individual. It stipulates that an agreement should be reached with the selected attendant for the payment of transportation costs and compensation for his services, but excludes any element of subsistence while traveling. It then stipulates that the compensation should be equivalent to the estimated per diem which would be paid if the attendant were an employee. It is our understanding that travel per diem is reimbursement for subsistence expenses while traveling. If we are correct, this provision, in effect, prohibits the payment of any compensation for the services of the nonprofessional attendant. The succeeding paragraph, pertaining to the engagement of a professional attendant, again provides for the payment of transportation costs "exclusive of subsistence" and a stipulated compensation for services. In this case, however, provision is made for the payment of per diem in lieu of subsistence. The inconsistency between these two paragraphs pertaining to professional and nonprofessional attendants seems so unreasonable as to indicate the possibility of error.

f. It is believed that APPENDIX A is incomplete and could be improved upon to make it more useful. The first suggestion is to arrange the items on the schedule in the same order as they are discussed in the text of the Regulation. Secondly, the first three items could be improved upon, particularly in the "Amount" column. For example, the first item indicates the amount allowable "Varies with case." Although this is obviously true, we believe it would be more informative to state actual, necessary expenses approved as being reasonable.

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Item two could similarly be described as follows: Per Agency travel regulations unless special facilities are authorized as being necessary. Item three could state not to exceed \$75.00 per month, plus transportation costs and travel per diem, per Agency regulations.

g. In paragraph 2, the definition of "in the performance of duty" and "in the line of duty" might be made more consistent with respect to the use of the term "injury." In paragraph 2.b. only "injury" is used to define "in the performance of duty"; in 2.c. "in line of duty" uses both "injury or illness." Actually, as paragraph 2.a. says, "injury" includes disease (or illness), so that this is not pointed out as a technical failing so much as an editorial item. Therefore, to be consistent, the word "injury" should be used alone, or "injury or illness" used in both paragraphs 2.b. and 2.c.

h. Paragraph 5.c.(3)(b) states that in connection with injuries incurred "in line of duty," "travel expenses, including the cost of ambulance services, may be paid only if travel is required by local public transportation facilities." The meaning of this is obscure to us. What does it mean?


Special Assistant to the
Deputy Director (Administration)

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